

104<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 3936

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## AN ACT

To encourage the development of a commercial space industry in the United States, and for other purposes.

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To encourage the development of a commercial space industry in the United States, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4       (a) SHORT TITLE.—This Act may be cited as the  
5       “Space Commercialization Promotion Act of 1996”.

1 (b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.  
 Sec. 2. Definitions.

TITLE I—PROMOTION OF COMMERCIAL SPACE OPPORTUNITIES

Sec. 101. Commercialization of space station.  
 Sec. 102. Commercial space launch amendments.  
 Sec. 103. Exceptions to employment restrictions.  
 Sec. 104. Launch voucher demonstration program.  
 Sec. 105. Promotion of United States Global Positioning System standards.  
 Sec. 106. Acquisition of space science data.

TITLE II—REMOTE SENSING

Sec. 201. Land Remote Sensing Policy Act of 1992 amendments.  
 Sec. 202. Acquisition of earth remote sensing data.

TITLE III—FEDERAL ACQUISITION OF SPACE TRANSPORTATION  
 SERVICES

Sec. 301. Requirement to procure commercial space transportation services.  
 Sec. 302. Acquisition of space transportation services.  
 Sec. 303. Launch Services Purchase Act of 1990 amendments.  
 Sec. 304. Use of excess intercontinental ballistic missiles.

2 **SEC. 2. DEFINITIONS.**

3 For purposes of this Act—

4 (1) the term “Administrator” means the Ad-  
 5 ministrator of the National Aeronautics and Space  
 6 Administration;

7 (2) the term “commercial provider” means any  
 8 person providing space transportation services or  
 9 other space-related activities, primary control of  
 10 which is held by persons other than Federal, State,  
 11 local, and foreign governments;

12 (3) the term “payload” means anything that a  
 13 person undertakes to transport to, from, or within  
 14 outer space, or in suborbital trajectory, by means of  
 15 a space transportation vehicle, but does not include

1 the space transportation vehicle itself except for its  
2 components which are specifically designed or adapt-  
3 ed for that payload;

4 (4) the term “space-related activities” includes  
5 research and development, manufacturing, process-  
6 ing, service, and other associated and support activi-  
7 ties;

8 (5) the term “space transportation services”  
9 means the preparation of a space transportation ve-  
10 hicle and its payloads for transportation to, from, or  
11 within outer space, or in suborbital trajectory, and  
12 the conduct of transporting a payload to, from, or  
13 within outer space, or in suborbital trajectory;

14 (6) the term “space transportation vehicle”  
15 means any vehicle constructed for the purpose of op-  
16 erating in, or transporting a payload to, from, or  
17 within, outer space, or in suborbital trajectory, and  
18 includes any component of such vehicle not specifi-  
19 cally designed or adapted for a payload;

20 (7) the term “State” means each of the several  
21 States of the Union, the District of Columbia, the  
22 Commonwealth of Puerto Rico, the Virgin Islands,  
23 Guam, American Samoa, the Commonwealth of the  
24 Northern Mariana Islands, and any other common-

1 wealth, territory, or possession of the United States;  
2 and

3 (8) the term “United States commercial pro-  
4 vider” means a commercial provider, organized  
5 under the laws of the United States or of a State,  
6 which is—

7 (A) more than 50 percent owned by United  
8 States nationals; or

9 (B) a subsidiary of a foreign company and  
10 the Secretary of Transportation finds that—

11 (i) such subsidiary has in the past evi-  
12 denced a substantial commitment to the  
13 United States market through—

14 (I) investments in the United  
15 States in long-term research, develop-  
16 ment, and manufacturing (including  
17 the manufacture of major components  
18 and subassemblies); and

19 (II) significant contributions to  
20 employment in the United States; and

21 (ii) the country or countries in which  
22 such foreign company is incorporated or  
23 organized, and, if appropriate, in which it  
24 principally conducts its business, affords  
25 reciprocal treatment to companies de-

1           scribed in subparagraph (A) comparable to  
2           that afforded to such foreign company's  
3           subsidiary in the United States, as evi-  
4           denced by—

5                   (I) providing comparable oppor-  
6                   tunities for companies described in  
7                   subparagraph (A) to participate in  
8                   Government sponsored research and  
9                   development similar to that authorized  
10                  under this Act;

11                  (II) providing no barriers to com-  
12                  panies described in subparagraph (A)  
13                  with respect to local investment op-  
14                  portunities that are not provided to  
15                  foreign companies in the United  
16                  States; and

17                  (III) providing adequate and ef-  
18                  fective protection for the intellectual  
19                  property rights of companies de-  
20                  scribed in subparagraph (A).

1 **TITLE I—PROMOTION OF COM-**  
2 **MERCIAL SPACE OPPORTUNI-**  
3 **TIES**

4 **SEC. 101. COMMERCIALIZATION OF SPACE STATION.**

5 (a) POLICY.—The Congress declares that a priority  
6 goal of constructing the International Space Station is the  
7 economic development of Earth orbital space. The Con-  
8 gress further declares that free and competitive markets  
9 create the most efficient conditions for promoting eco-  
10 nomic development, and should therefore govern the eco-  
11 nomic development of Earth orbital space. The Congress  
12 further declares that free market principles should be used  
13 in operating and adding capabilities to the Space Station  
14 whenever possible.

15 (b) REPORT.—The Administrator shall deliver to the  
16 Congress, within 60 days after the date of the enactment  
17 of this Act, a market study that examines the role of com-  
18 mercial ventures which could supply, use, service, or aug-  
19 ment the International Space Station, the specific policies  
20 and initiatives the Administrator is advancing to encour-  
21 age these commercial opportunities, the cost savings to be  
22 realized by the international partnership from applying  
23 commercial approaches to cost-shared operations, and the  
24 cost reimbursements to the United States Government  
25 from commercial users of the Space Station.

1 **SEC. 102. COMMERCIAL SPACE LAUNCH AMENDMENTS.**

2 (a) AMENDMENTS.—Chapter 701 of title 49, United  
3 States Code, is amended—

4 (1) in the table of sections—

5 (A) by amending the item relating to sec-  
6 tion 70104 to read as follows:

“70104. Restrictions on launches, operations, and reentries.”;

7 (B) by amending the item relating to sec-  
8 tion 70108 to read as follows:

“70108. Prohibition, suspension, and end of launches, operation of launch sites  
and reentry sites, and reentries.”;

9 (C) by amending the item relating to sec-  
10 tion 70109 to read as follows:

“70109. Preemption of scheduled launches or reentries.”;

11 and

12 (D) by adding at the end the following new  
13 items:

“70120. Regulations.

“70121. Report to Congress.”.

14 (2) in section 70101—

15 (A) by inserting “microgravity research,”  
16 after “information services,” in subsection  
17 (a)(3);

18 (B) by inserting “, reentry,” after “launch-  
19 ing” both places it appears in subsection (a)(4);

20 (C) by inserting “, reentry vehicles,” after  
21 “launch vehicles” in subsection (a)(5);



1 (D) by inserting “and reentry services”  
2 after “launch services” in subsection (a)(6);

3 (E) by inserting “, reentries,” after  
4 “launches” both places it appears in subsection  
5 (a)(7);

6 (F) by inserting “, reentry sites,” after  
7 “launch sites” in subsection (a)(8);

8 (G) by inserting “and reentry services”  
9 after “launch services” in subsection (a)(8);

10 (H) by inserting “reentry sites,” after  
11 “launch sites,” in subsection (a)(9);

12 (I) by inserting “and reentry site” after  
13 “launch site” in subsection (a)(9);

14 (J) by inserting “, reentry vehicles,” after  
15 “launch vehicles” in subsection (b)(2);

16 (K) by striking “launch” in subsection  
17 (b)(2)(A);

18 (L) by inserting “and reentry” after “con-  
19 duct of commercial launch” in subsection  
20 (b)(3);

21 (M) by striking “launch” after “and trans-  
22 fer commercial” in subsection (b)(3); and

23 (N) by inserting “and development of re-  
24 entry sites,” after “launch-site support facili-  
25 ties,” in subsection (b)(4);

1 (3) in section 70102—

2 (A) by striking “and any payload” and in-  
3 serting in lieu thereof “or reentry vehicle and  
4 any payload from Earth” in paragraph (3);

5 (B) in paragraph (5)—

6 (i) by redesignating subparagraphs  
7 (A) and (B) as subparagraphs (B) and  
8 (C), respectively; and

9 (ii) by inserting before subparagraph  
10 (B), as so redesignated by clause (i) of this  
11 subparagraph, the following new subpara-  
12 graph:

13 “(A) activities directly related to the prep-  
14 aration of a launch site or payload facility for  
15 one or more launches;”;

16 (C) by inserting “or reentry vehicle” after  
17 “means of a launch vehicle” in paragraph (8);

18 (D) by redesignating paragraphs (10)  
19 through (12) as paragraphs (14) through (16),  
20 respectively;

21 (E) by inserting after paragraph (9) the  
22 following new paragraphs:

23 “(10) ‘reenter’ and ‘reentry’ mean to return or  
24 attempt to return, purposefully, a reentry vehicle

1 and its payload, if any, from Earth orbit or from  
2 outer space to Earth.

3 “(11) ‘reentry services’ means—

4 “(A) activities involved in the preparation  
5 of a reentry vehicle and its payload, if any, for  
6 reentry; and

7 “(B) the conduct of a reentry.

8 “(12) ‘reentry site’ means the location on Earth  
9 to which a reentry vehicle is intended to return (as  
10 defined in a license the Secretary issues or transfers  
11 under this chapter).

12 “(13) ‘reentry vehicle’ means a vehicle designed  
13 to return from Earth orbit or outer space to Earth,  
14 or a reusable launch vehicle designed to return from  
15 outer space to Earth, substantially intact.”; and

16 (F) by inserting “or reentry services” after  
17 “launch services” each place it appears in para-  
18 graph (15), as so redesignated by subparagraph  
19 (D) of this paragraph;  
20 (4) in section 70103—

21 (A) by striking “The Secretary” in sub-  
22 section (a) and inserting in lieu thereof “Except  
23 as provided in section 70122, the Secretary”;  
24 and

25 (B) in subsection (b)—

1 (i) by inserting “AND REENTRIES AND  
2 STATE SPONSORED SPACEPORTS” after  
3 “LAUNCHES” in the subsection heading;

4 (ii) by striking “by the private sector”  
5 in paragraph (1) and inserting in lieu  
6 thereof “and reentries by the private sector  
7 and State sponsored spaceports” after  
8 “space launches”; and

9 (iii) by inserting “and reentry” after  
10 “space launch” in paragraph (2);

11 (5) in section 70104—

12 (A) by amending the section designation  
13 and heading to read as follows:

14 **“§ 70104. Restrictions on launches, operations, and**  
15 **reentries”;**

16 (B) by inserting “or reentry site, or to re-  
17 enter a reentry vehicle,” after “operate a  
18 launch site” each place it appears in subsection  
19 (a);

20 (C) by inserting “or reentry” after “launch  
21 or operation” in subsection (a)(3) and (4);

22 (D) in subsection (b)—

23 (i) by striking “launch license” and  
24 inserting in lieu thereof “license”;

1 (ii) by inserting “or reenter” after  
2 “may launch”; and

3 (iii) by inserting “or reentering” after  
4 “related to launching”; and

5 (E) in subsection (c)—

6 (i) by amending the subsection head-  
7 ing to read as follows: “PREVENTING  
8 LAUNCHES AND REENTRIES.—”;

9 (ii) by inserting “or reentry” after  
10 “prevent the launch”; and

11 (iii) by inserting “or reentry” after  
12 “decides the launch”;

13 (6) in section 70105—

14 (A) by inserting “(1)” before “A person  
15 may apply” in subsection (a);

16 (B) by striking “receiving an application”  
17 both places it appears in subsection (a) and in-  
18 serting in lieu thereof “accepting an application  
19 in accordance with criteria established pursuant  
20 to subsection (b)(2)(D)”;

21 (C) by inserting at the end of subsection  
22 (a) the following: “The Secretary shall submit  
23 to the Committee on Science of the House of  
24 Representatives and the Committee on Com-  
25 merce, Science, and Transportation of the Sen-

1           ate a written notice not later than 7 days after  
2           any occurrence when a license is not issued  
3           within the deadline established by this sub-  
4           section.”;

5                   (D) by adding at the end of subsection (a)  
6           the following new paragraph:

7           “(2) In carrying out paragraph (1), the Secretary  
8   may establish procedures for certification of the safety of  
9   launch vehicles, reentry vehicles, safety systems, proce-  
10   dures, services, or personnel that may be used in conduct-  
11   ing licensed commercial space launch or reentry activi-  
12   ties.”;

13                   (E) by inserting “or a reentry site, or the  
14   reentry of a reentry vehicle,” after “operation  
15   of a launch site” in subsection (b)(1);

16                   (F) by striking “or operation” and insert-  
17   ing in lieu thereof “, operation, or reentry” in  
18   subsection (b)(2)(A);

19                   (G) by striking “and” at the end of sub-  
20   section (b)(2)(B);

21                   (H) by striking the period at the end of  
22   subsection (b)(2)(C) and inserting in lieu there-  
23   of “; and”;

24                   (I) by adding at the end of subsection  
25   (b)(2) the following new subparagraph:

1 “(D) regulations establishing criteria for ac-  
 2 cepting or rejecting an application for a license  
 3 under this chapter within 60 days after receipt of  
 4 such application.”; and

5 (J) by inserting “, including the require-  
 6 ment to obtain a license,” after “waive a re-  
 7 quirement” in subsection (b)(3);  
 8 (7) in section 70106(a)—

9 (A) by inserting “or reentry site” after  
 10 “observer at a launch site”;

11 (B) by inserting “or reentry vehicle” after  
 12 “assemble a launch vehicle”; and

13 (C) by inserting “or reentry vehicle” after  
 14 “with a launch vehicle”;

15 (8) in section 70108—

16 (A) by amending the section designation  
 17 and heading to read as follows:

18 **“§ 70108. Prohibition, suspension, and end of**  
 19 **launches, operation of launch sites and**  
 20 **reentry sites, and reentries”;**

21 and

22 (B) in subsection (a)—

23 (i) by inserting “or reentry site, or re-  
 24 entry of a reentry vehicle,” after “oper-  
 25 ation of a launch site”; and

1 (ii) by inserting “or reentry” after  
2 “launch or operation”;

3 (9) in section 70109—

4 (A) by amending the section designation  
5 and heading to read as follows:

6 **“§ 70109. Preemption of scheduled launches or reen-**  
7 **tries”;**

8 (B) in subsection (a)—

9 (i) by inserting “or reentry” after  
10 “ensure that a launch”;

11 (ii) by inserting “, reentry site,” after  
12 “United States Government launch site”;

13 (iii) by inserting “or reentry date  
14 commitment” after “launch date commit-  
15 ment”;

16 (iv) by inserting “or reentry” after  
17 “obtained for a launch”;

18 (v) by inserting “, reentry site,” after  
19 “access to a launch site”;

20 (vi) by inserting “, or services related  
21 to a reentry,” after “amount for launch  
22 services”; and

23 (vii) by inserting “or reentry” after  
24 “the scheduled launch”; and



1 (C) in subsection (c), by inserting “or re-  
2 entry” after “prompt launching”;

3 (10) in section 70110—

4 (A) by inserting “or reentry” after “pre-  
5 vent the launch” in subsection (a)(2); and

6 (B) by inserting “or reentry site, or re-  
7 entry of a reentry vehicle,” after “operation of  
8 a launch site” in subsection (a)(3)(B);

9 (11) in section 70111—

10 (A) by inserting “or reentry” after  
11 “launch” in subsection (a)(1)(A);

12 (B) by inserting “and reentry services”  
13 after “launch services” in subsection (a)(1)(B);

14 (C) in subsection (a)(1), by inserting after  
15 subparagraph (B) the following:

16 “The Secretary shall coordinate the establishment of cri-  
17 teria and procedures for determining the priority of com-  
18 peting requests from the private sector and State govern-  
19 ments for property and services under this section.”;

20 (D) by inserting “or reentry services” after  
21 “or launch services” in subsection (a)(2);

22 (E) by inserting “or reentry” after “com-  
23 mercial launch” both places it appears in sub-  
24 section (b)(1);

1 (F) by inserting “or reentry services” after  
2 “launch services” in subsection (b)(2)(C);

3 (G) by inserting after subsection (b)(2) the  
4 following new paragraph:

5 “(3) The Secretary shall ensure the establishment of  
6 uniform guidelines for, and consistent implementation of,  
7 this section by all Federal agencies.”;

8 (H) by striking “or its payload for launch”  
9 in subsection (d) and inserting in lieu thereof  
10 “or reentry vehicle, or the payload of either, for  
11 launch or reentry”; and

12 (I) by inserting “, reentry vehicle,” after  
13 “manufacturer of the launch vehicle” in sub-  
14 section (d);  
15 (12) in section 70112—

16 (A) in subsection (a)(1), by inserting  
17 “launch, reentry, or site operator” after “(1)  
18 When a”;

19 (B) by inserting “or reentry” after “one  
20 launch” in subsection (a)(3);

21 (C) by inserting “or reentry services” after  
22 “launch services” in subsection (a)(4);

23 (D) in subsection (b)(1), by inserting  
24 “launch, reentry, or site operator” after “(1)  
25 A”;

1 (E) by inserting “or reentry services” after  
2 “launch services” each place it appears in sub-  
3 section (b);

4 (F) by inserting “applicable” after “car-  
5 ried out under the” in paragraphs (1) and (2)  
6 of subsection (b);

7 (G) by striking “, Space, and Technology”  
8 in subsection (d)(1);

9 (H) by inserting “OR REENTRIES” after  
10 “LAUNCHES” in the heading for subsection (e);

11 (I) by inserting “or reentry site or a re-  
12 entry” after “launch site” in subsection (e);  
13 and

14 (J) in subsection (f), by inserting “launch,  
15 reentry, or site operator” after “carried out  
16 under a”;

17 (13) in section 70113(a)(1) and (d)(1) and (2),  
18 by inserting “or reentry” after “one launch” each  
19 place it appears;

20 (14) in section 70115(b)(1)(D)(i)—

21 (A) by inserting “reentry site,” after  
22 “launch site,”; and

23 (B) by inserting “or reentry vehicle” after  
24 “launch vehicle” both places it appears;

25 (15) in section 70117—

1 (A) by inserting “or reentry site, or to re-  
2 enter a reentry vehicle” after “operate a launch  
3 site” in subsection (a);

4 (B) by inserting “or reentry” after “ap-  
5 proval of a space launch” in subsection (d);

6 (C) by amending subsection (f) to read as  
7 follows:

8 “(f) LAUNCH NOT AN EXPORT; REENTRY NOT AN  
9 IMPORT.—A launch vehicle, reentry vehicle, or payload  
10 that is launched or reentered is not, because of the launch  
11 or reentry, an export or import, respectively, for purposes  
12 of a law controlling exports or imports.”; and

13 (D) in subsection (g)—

14 (i) by striking “operation of a launch  
15 vehicle or launch site,” in paragraph (1)  
16 and inserting in lieu thereof “reentry, op-  
17 eration of a launch vehicle or reentry vehi-  
18 cle, operation of a launch site or reentry  
19 site,”; and

20 (ii) by inserting “reentry,” after  
21 “launch,” in paragraph (2); and

22 (16) by adding at the end the following new  
23 sections:

1   **“§ 70120. Regulations**

2           “The Secretary of Transportation, within 6 months  
3 after the date of the enactment of this section, shall issue  
4 regulations to carry out this chapter that include—

5           “(1) guidelines for industry to obtain sufficient  
6 insurance coverage for potential damages to third  
7 parties;

8           “(2) procedures for requesting and obtaining li-  
9 censes to operate a commercial launch vehicle or re-  
10 entry vehicle;

11           “(3) procedures for requesting and obtaining  
12 operator licenses for launch or reentry;

13           “(4) procedures for requesting and obtaining  
14 launch site or reentry site operator licenses; and

15           “(5) procedures for the application of govern-  
16 ment indemnification.

17   **“§ 70121. Report to Congress**

18           “The Secretary of Transportation shall submit to  
19 Congress an annual report to accompany the President’s  
20 budget request that—

21           “(1) describes all activities undertaken under  
22 this chapter, including a description of the process  
23 for the application for and approval of licenses under  
24 this chapter and recommendations for legislation  
25 that may further commercial launches and reentries;  
26 and

1           “(2) reviews the performance of the regulatory  
2           activities and the effectiveness of the Office of Com-  
3           mercial Space Transportation.”.

4           (b) **EFFECTIVE DATE.**—The amendments made by  
5           subsection (a)(6)(B) shall take effect upon the effective  
6           date of final regulations issued pursuant to section  
7           70105(b)(2)(D) of title 49, United States Code, as added  
8           by subsection (a)(6)(I).

9           **SEC. 103. EXCEPTIONS TO EMPLOYMENT RESTRICTIONS.**

10          (a) **INAPPLICABILITY OF CERTAIN POST-EMPLOY-**  
11          **MENT RESTRICTIONS.**—Subsections (a) and (c) of section  
12          207 of title 18, United States Code, and section 27(d) of  
13          the Office of Federal Procurement Policy Act (41 U.S.C.  
14          423(d)) shall not apply to employees or former employees  
15          of the National Aeronautics and Space Administration  
16          seeking employment with an entity that is awarded the  
17          Space Flight Operations Contract for the Space Shuttle.

18          (b) **EXCEPTION.**—Subsection (a) shall not apply to  
19          an employee or former employee who, while employed with  
20          the National Aeronautics and Space Administration—

21                 (1) served, at the time of selection of the con-  
22                 tractor for the contract referred to in subsection (a)  
23                 or the award of such contract, as the procuring con-  
24                 tracting officer, the source selection authority, a

1 member of the source selection evaluation board, or  
2 the chief of a financial or technical evaluation team;

3 (2) served as the program manager, deputy pro-  
4 gram manager, or administrative contracting officer  
5 for the contract; or

6 (3) personally made for the National Aero-  
7 nautics and Space Administration a decision to  
8 award the contract or a modification of the contract.

9 **SEC. 104. LAUNCH VOUCHER DEMONSTRATION PROGRAM.**

10 Section 504 of the National Aeronautics and Space  
11 Administration Authorization Act, Fiscal Year 1993 (15  
12 U.S.C. 5803) is amended—

13 (1) in subsection (a)—

14 (A) by striking “the Office of Commercial  
15 Programs within”; and

16 (B) by striking “Such program shall not  
17 be effective after September 30, 1995.”;

18 (2) by striking subsection (c); and

19 (3) by redesignating subsections (d) and (e) as  
20 subsections (c) and (d), respectively.

21 **SEC. 105. PROMOTION OF UNITED STATES GLOBAL POSI-**  
22 **TIONING SYSTEM STANDARDS.**

23 (a) FINDING.—The Congress finds that the Global  
24 Positioning System, including satellites, signal equipment,  
25 ground stations, data links, and associated command and

1 control facilities, has become an essential element in civil,  
2 scientific, and military space development because of the  
3 emergence of a United States commercial industry which  
4 provides Global Positioning System equipment and related  
5 services.

6 (b) INTERNATIONAL COOPERATION.—The Congress  
7 therefore encourages the President to—

8 (1) undertake a coordinated effort within the  
9 executive branch to promote cooperation with foreign  
10 governments and international organizations to ad-  
11 vance United States interests with respect to the  
12 Global Positioning System standards and augmenta-  
13 tions; and

14 (2) ensure the operation of the Global Position-  
15 ing System on a continuous worldwide basis free of  
16 direct user fees.

17 **SEC. 106. ACQUISITION OF SPACE SCIENCE DATA.**

18 (a) ACQUISITION FROM PRIVATE SECTOR.—The Ad-  
19 ministrator shall, to the maximum extent possible and  
20 while fully satisfying the scientific requirements of the Na-  
21 tional Aeronautics and Space Administration, acquire,  
22 where cost effective, space science data from the private  
23 sector.

24 (b) TREATMENT OF SPACE SCIENCE DATA AS COM-  
25 MERCIAL ITEM UNDER ACQUISITION LAWS.—Acquisitions



1 of space science data by the Administrator shall be carried  
2 out in accordance with applicable acquisition laws and reg-  
3 ulations (including chapters 137 and 140 of title 10, Unit-  
4 ed States Code), except that space science data shall be  
5 considered to be a commercial item for purposes of such  
6 laws and regulations (including section 2306a of title 10,  
7 United States Code (relating to cost or pricing data), sec-  
8 tion 2320 of such title (relating to rights in technical data)  
9 and section 2321 of such title (relating to validation of  
10 proprietary data restrictions)).

11 (c) DEFINITION.—For purposes of this section, the  
12 term “space science data” includes scientific data concern-  
13 ing the elemental and mineralogical resources of the moon  
14 and the planets, Earth environmental data obtained  
15 through remote sensing observations, and solar storm  
16 monitoring.

17 (d) SAFETY STANDARDS.—Nothing in this section  
18 shall be construed to prohibit the Federal Government  
19 from requiring compliance with applicable safety stand-  
20 ards.

21 (e) LIMITATION.—This section does not authorize the  
22 National Aeronautics and Space Administration to provide  
23 financial assistance for the development of commercial  
24 systems for the collection of space science data.

1       **TITLE II—REMOTE SENSING**

2       **SEC. 201. LAND REMOTE SENSING POLICY ACT OF 1992**

3               **AMENDMENTS.**

4       The Land Remote Sensing Policy Act of 1992 is  
5 amended—

6               (1) in section 2 (15 U.S.C. 5601)—

7                       (A) by amending paragraph (5) to read as  
8 follows:

9               “(5) Commercialization of land remote sensing  
10 is a near-term goal, and should remain a long-term  
11 goal, of United States policy.”;

12                      (B) by striking paragraph (6) and redesignig-  
13 nating paragraphs (7) through (16) as para-  
14 graphs (6) through (15), respectively; and

15                      (C) in paragraph (11), as so redesignated  
16 by subparagraph (B) of this paragraph, by  
17 striking “determining the design” and all that  
18 follows through “international consortium” and  
19 inserting in lieu thereof “ensuring the continu-  
20 ity of Landsat quality data”;

21               (2) in section 101 (15 U.S.C. 5611)—

22                      (A) by inserting the following after sub-  
23 section (b)(4):

24       “The Director of the Office of Science and Technology  
25 Policy shall, no later than 60 days after the date of the

1 enactment of the Space Commercialization Promotion Act  
2 of 1996, transmit the management plan to the Committee  
3 on Science of the House of Representatives and the Com-  
4 mittee on Commerce, Science, and Transportation of the  
5 Senate.”;

6 (B) in subsection (c)—

7 (i) by inserting “and” at the end of  
8 paragraph (6);

9 (ii) by striking paragraph (7); and

10 (iii) by redesignating paragraph (8) as  
11 paragraph (7); and

12 (C) in subsection (e)(1)—

13 (i) by inserting “and” at the end of  
14 subparagraph (A);

15 (ii) by striking “, and” at the end of  
16 subparagraph (B) and inserting in lieu  
17 thereof a period; and

18 (iii) by striking subparagraph (C);

19 (3) in section 201 (15 U.S.C. 5621)—

20 (A) by inserting “(1)” after “NATIONAL  
21 SECURITY.—” in subsection (b);

22 (B) in subsection (b)(1), as so designated  
23 by subparagraph (A) of this paragraph, by  
24 striking “No license” and inserting in lieu

1           thereof “Except as provided in paragraph (3),  
2           no license”;

3                   (C) by adding at the end of subsection (b)  
4           the following new paragraphs:

5           “(2) The Secretary, within 6 months after the date  
6 of the enactment of the Space Commercialization Pro-  
7 motion Act of 1996, shall publish in the Federal Register  
8 a complete and specific list of all information required to  
9 comprise a complete application for a license under this  
10 title. An application shall be considered complete when the  
11 applicant has provided all information required by the list  
12 most recently published in the Federal Register before the  
13 date the application was first submitted. Unless the Sec-  
14 retary has, within 30 days after receipt of an application,  
15 notified the applicant of information necessary to complete  
16 an application, the Secretary may not deny the application  
17 on the basis of the absence of any such information.

18           “(3) The Secretary shall grant a license under this  
19 title to any United States commercial provider (as such  
20 term is defined in section 2 of the Space Commercializa-  
21 tion Promotion Act of 1996) whose application is in full  
22 compliance with the requirements of this title.”;

23                   (D) in subsection (c), by amending the sec-  
24           ond sentence thereof to read as follows: “If the  
25           Secretary has not granted the license within

1 such 120-day period, the Secretary shall inform  
2 the applicant, within such period, of any pend-  
3 ing issues and actions required to be carried  
4 out by the applicant or the Secretary in order  
5 to result in the granting of a license.”; and

6 (E) in subsection (e)(2)(B), by striking  
7 “and the importance of promoting widespread  
8 access to remote sensing data from United  
9 States and foreign systems”;

10 (4) in section 202 (15 U.S.C. 5622)—

11 (A) by striking “section 506” in subsection  
12 (b)(1) and inserting in lieu thereof “section  
13 507”;

14 (B) in subsection (b)(2), by striking “as  
15 soon as such data are available and on reason-  
16 able terms and conditions” and inserting in lieu  
17 thereof “on reasonable terms and conditions,  
18 including the provision of such data in a timely  
19 manner”;

20 (C) in subsection (b)(6), by striking “any  
21 agreement” and inserting in lieu thereof “any  
22 significant or substantial agreement relating to  
23 land remote sensing”; and

24 (D) by inserting after paragraph (6) of  
25 subsection (b) the following:

1 “The Secretary may not terminate, modify, or suspend a  
2 license issued pursuant to this title on the basis of an  
3 agreement the Secretary receives notification of under  
4 paragraph (6) unless the Secretary has, within 30 days  
5 after receipt of such notification, transmitted to the li-  
6 censee a statement that such agreement is inconsistent  
7 with the national security or international obligations of  
8 the United States, including an explanation of such incon-  
9 sistency.”;

10 (5) in section 203 (15 U.S.C. 5623)—

11 (A) in subsection (a)(2), by striking  
12 “under this title and” and inserting in lieu  
13 thereof “under this title or”;

14 (B) in subsection (a)(3), by striking “pro-  
15 vide penalties” and inserting in lieu thereof  
16 “seek, in a United States District Court with  
17 personal jurisdiction over the licensee, pen-  
18 alties”; and

19 (C) in subsection (b), by striking “(a)(3),”;

20 (6) in section 204 (15 U.S.C. 5624), by striking  
21 “may” and inserting in lieu thereof “shall”;

22 (7) in section 205(c) (15 U.S.C. 5625(c)), by  
23 striking “if such remote sensing space system is li-  
24 censed by the Secretary before commencing oper-  
25 ation” and inserting in lieu thereof “if such private

1 remote sensing space system will be licensed by the  
2 Secretary before commencing its commercial oper-  
3 ation”;

4 (8) by adding at the end of title II the following  
5 new section:

6 **“SEC. 206. NOTIFICATION.**

7 “(a) LIMITATIONS ON LICENSEE.—Not later than 30  
8 days after a determination by the Secretary to require a  
9 licensee to limit collection or distribution of data from a  
10 system licensed under this title, the Secretary shall provide  
11 written notification to Congress of such determination, in-  
12 cluding the reasons therefor, the limitations imposed on  
13 the licensee, and the period during which such limitations  
14 apply.

15 “(b) TERMINATION, MODIFICATION, OR SUSPEN-  
16 SION.—Not later than 30 days after an action by the Sec-  
17 retary to seek an order of injunction or other judicial de-  
18 termination pursuant to section 203(a)(2), the Secretary  
19 shall provide written notification to Congress of such ac-  
20 tion and the reasons therefor.”;

21 (9) in section 301 (15 U.S.C. 5631)—

22 (A) by inserting “, that are not being com-  
23 mercially developed” after “and its environ-  
24 ment” in subsection (a)(2)(B); and

1 (B) by adding at the end the following new  
2 subsection:

3 “(d) DUPLICATION OF COMMERCIAL SECTOR ACTIVI-  
4 TIES.—The Federal Government shall not undertake ac-  
5 tivities under this section which duplicate activities avail-  
6 able from the commercial sector, unless such activities  
7 would result in significant cost savings to the Federal Gov-  
8 ernment.”;

9 (10) in section 302 (15 U.S.C. 5632)—

10 (A) by striking “(a) GENERAL RULE.—”;

11 (B) by striking “, including unenhanced  
12 data gathered under the technology demonstra-  
13 tion program carried out pursuant to section  
14 303,” and inserting in lieu thereof “that is not  
15 otherwise available from the commercial sec-  
16 tor”; and

17 (C) by striking subsection (b);

18 (11) by repealing section 303 (15 U.S.C. 5633);

19 (12) in section 401(b)(3) (15 U.S.C.  
20 5641(b)(3)), by striking “, including any such en-  
21 hancements developed under the technology dem-  
22 onstration program under section 303,”;

23 (13) in section 501(a) (15 U.S.C. 5651(a)), by  
24 striking “section 506” and inserting in lieu thereof  
25 “section 507”;



1           (14) in section 502(c)(7) (15 U.S.C.  
2       5652(c)(7)), by striking “section 506” and inserting  
3       in lieu thereof “section 507”;

4           (15) in section 506 (15 U.S.C. 5656)—

5                (A) by inserting “(1)” after “COMMUNICA-  
6       TIONS COMMISSION.—” in subsection (a);

7                (B) by inserting at the end of subsection  
8       (a) the following new paragraph:

9       “(2) The Federal Communications Commission, with-  
10   in 6 months after the date of the enactment of the Space  
11   Commercialization Promotion Act of 1996, shall publish  
12   in the Federal Register a complete and specific list of all  
13   information required to comprise a complete application  
14   described in paragraph (1). An application shall be consid-  
15   ered complete when the applicant has provided all infor-  
16   mation required by the list most recently published in the  
17   Federal Register before the date the application was first  
18   submitted. Unless the Federal Communications Commis-  
19   sion has, within 30 days after receipt of an application,  
20   notified the applicant of information necessary to complete  
21   an application, the Federal Communications Commission  
22   may not deny the application on the basis of the absence  
23   of any such information.”; and

24                (C) by adding at the end the following new  
25       subsection:

1       “(e) FEES.—The Federal Communications Commis-  
2 sion shall ensure that any licensing or other fees that a  
3 private remote sensing space system operator subject to  
4 the licensing requirements of title II is required to pay  
5 such Commission shall be proportional to the cost to the  
6 Commission of the radio licensing process for such person  
7 relative to the cost to the Commission of licensing other  
8 entities subject to the fee.”; and

9               (16) in section 507 (15 U.S.C. 5657)—

10               (A) by amending subsection (a) to read as  
11 follows:

12       “(a) RESPONSIBILITY OF THE SECRETARY OF DE-  
13 FENSE.—The Secretary shall consult with the Secretary  
14 of Defense on all matters under this Act affecting national  
15 security. The Secretary of Defense shall be responsible for  
16 determining those conditions, consistent with this Act,  
17 necessary to meet national security concerns of the United  
18 States, and for notifying the Secretary promptly of such  
19 conditions. Not later than 60 days after receiving a re-  
20 quest from the Secretary, the Secretary of Defense shall  
21 recommend to the Secretary any conditions for a license  
22 issued under title II, consistent with this Act, that the Sec-  
23 retary of Defense determines are needed to protect the na-  
24 tional security of the United States. If no such rec-  
25 ommendation has been received by the Secretary within

1 such 60-day period, the Secretary shall deem activities  
2 proposed in the license application to be consistent with  
3 the protection of the national security of the United  
4 States.”;

5 (B) by striking subsection (b)(1) and (2)  
6 and inserting in lieu thereof the following:

7 “(b) RESPONSIBILITY OF THE SECRETARY OF  
8 STATE.—(1) The Secretary shall consult with the Sec-  
9 retary of State on all matters under this Act affecting  
10 international obligations of the United States. The Sec-  
11 retary of State shall be responsible for determining those  
12 conditions, consistent with this Act, necessary to meet  
13 international obligations of the United States and for noti-  
14 fying the Secretary promptly of such conditions. Not later  
15 than 60 days after receiving a request from the Secretary,  
16 the Secretary of State shall recommend to the Secretary  
17 any conditions for a license issued under title II, consist-  
18 ent with this Act, that the Secretary of State determines  
19 are needed to meet international obligations of the United  
20 States. If no such recommendation has been received by  
21 the Secretary within such 60-day period, the Secretary  
22 shall deem activities proposed in the license application to  
23 be consistent with the international obligations and poli-  
24 cies of the United States.

1 “(2) Appropriate United States Government agencies  
2 are authorized and encouraged to provide to developing  
3 nations, as a component of international aid, resources for  
4 purchasing remote sensing data, training, and analysis  
5 from United States commercial providers.”; and

6 (C) in subsection (d), by striking “Sec-  
7 retary may require” and inserting in lieu there-  
8 of “Secretary shall, where appropriate, re-  
9 quire”.

10 **SEC. 202. ACQUISITION OF EARTH REMOTE SENSING DATA.**

11 (a) ACQUISITION FROM PRIVATE SECTOR.— For pur-  
12 poses of meeting Government goals for Mission to Planet  
13 Earth, the Administrator shall, to the maximum extent  
14 possible and while fully satisfying the scientific require-  
15 ments of the National Aeronautics and Space Administra-  
16 tion, acquire, where cost effective, space-based and air-  
17 borne Earth remote sensing data, services, distribution,  
18 and applications from the private sector.

19 (b) TREATMENT AS COMMERCIAL ITEM UNDER AC-  
20 QUISITION LAWS.—Acquisitions by the Administrator of  
21 the data, services, distribution, and applications referred  
22 to in subsection (a) shall be carried out in accordance with  
23 applicable acquisition laws and regulations (including  
24 chapters 137 and 140 of title 10, United States Code),  
25 except that such data, services, distribution, and applica-

1 tions shall be considered to be a commercial item for pur-  
2 poses of such laws and regulations (including section  
3 2306a of title 10, United States Code (relating to cost  
4 or pricing data), section 2320 of such title (relating to  
5 rights in technical data) and section 2321 of such title  
6 (relating to validation of proprietary data restrictions)).

7 (c) STUDY.—(1) The Administrator shall conduct a  
8 study to determine the extent to which the baseline sci-  
9 entific requirements of Mission to Planet Earth can be  
10 met by the private sector, and how the National Aero-  
11 nautics and Space Administration will meet such require-  
12 ments which cannot be met by the private sector.

13 (2) The study conducted under this subsection  
14 shall—

15 (A) make recommendations to promote the  
16 availability of information from the National Aero-  
17 nautics and Space Administration to the private sec-  
18 tor to enable the private sector to better meet the  
19 baseline scientific requirements of Mission to Planet  
20 Earth;

21 (B) make recommendations to promote the dis-  
22 semination to the private sector of information on  
23 advanced technology research and development per-  
24 formed by or for the National Aeronautics and  
25 Space Administration; and

1           (C) identify policy, regulatory, and legislative  
2       barriers to the implementation of the recommenda-  
3       tions made under this subsection.

4       (3) For purposes of carrying out this subsection, de-  
5       termination of the baseline scientific requirements of Mis-  
6       sion to Planet Earth shall be carried out by the Goddard  
7       Space Flight Center. The Commercial Remote Sensing  
8       Program at the Stennis Space Center shall be responsible  
9       for identifying private sector data, services, distributions,  
10      and applications that can meet the scientific requirements  
11      of Mission to Planet Earth. The Administrator shall be  
12      responsible for determining the extent to which the base-  
13      line scientific requirements of Mission to Planet Earth can  
14      be met by the private sector, and shall ensure that the  
15      Stennis Space Center plays a major coordinating role.

16      (4) The results of the study conducted under this  
17      subsection shall be transmitted to the Congress within 9  
18      months after the date of the enactment of this Act.

19      (d) SAFETY STANDARDS.—Nothing in this section  
20      shall be construed to prohibit the Federal Government  
21      from requiring compliance with applicable safety stand-  
22      ards.

1 **TITLE III—FEDERAL ACQUI-**  
2 **SION OF SPACE TRANSPOR-**  
3 **TATION SERVICES**

4 **SEC. 301. REQUIREMENT TO PROCURE COMMERCIAL**  
5 **SPACE TRANSPORTATION SERVICES.**

6 (a) IN GENERAL.—Except as otherwise provided in  
7 this section, the Federal Government shall acquire space  
8 transportation services from the private sector whenever  
9 such services are required in the course of its activities.  
10 To the maximum extent practicable, the Federal Govern-  
11 ment shall plan missions to accommodate the space trans-  
12 portation services capabilities of United States commercial  
13 providers.

14 (b) EXCEPTIONS.—The Federal Government shall  
15 not be required to acquire space transportation services  
16 under subsection (a) if, on a case-by-case basis, the Ad-  
17 ministrator or, in the case of a national security issue,  
18 the Secretary of the Air Force, determines that—

19 (1) a payload requires the unique capabilities of  
20 the space shuttle;

21 (2) cost effective space transportation services  
22 that meet specific mission requirements would not be  
23 reasonably available from United States commercial  
24 providers when required;

1           (3) the use of space transportation services  
2           from United States commercial providers poses an  
3           unacceptable risk of loss of a unique scientific oppor-  
4           tunity;

5           (4) the use of space transportation services  
6           from United States commercial providers is incon-  
7           sistent with national security objectives;

8           (5) the use of space transportation services  
9           from United States commercial providers poses an  
10          unacceptable risk to foreign policy objectives;

11          (6) it is more cost effective to transport a pay-  
12          load in conjunction with a test or demonstration of  
13          a space transportation vehicle owned by the Federal  
14          Government; or

15          (7) a payload can make use of the available  
16          cargo space on a Space Shuttle mission as a second-  
17          ary payload, and such payload is consistent with the  
18          requirements of research, development, demonstra-  
19          tion, scientific, commercial, and educational pro-  
20          grams authorized by the Administrator.

21          (c) DELAYED EFFECT.—Subsection (a) shall not  
22          apply to space transportation services and space transpor-  
23          tation vehicles acquired or owned by the Federal Govern-  
24          ment before the date of the enactment of this Act, or with



1 respect to which a contract for such acquisition or owner-  
2 ship has been entered into before such date.

3 (d) HISTORICAL PURPOSES.—This section shall not  
4 be construed to prohibit the Federal Government from ac-  
5 quiring, owning, or maintaining space transportation vehi-  
6 cles solely for historical display purposes.

7 **SEC. 302. ACQUISITION OF SPACE TRANSPORTATION SERV-**  
8 **ICES.**

9 (a) TREATMENT OF SPACE TRANSPORTATION SERV-  
10 ICES AS COMMERCIAL ITEM UNDER ACQUISITION  
11 LAWS.—Acquisitions of space transportation services by  
12 the Federal Government shall be carried out in accordance  
13 with applicable acquisition laws and regulations (including  
14 chapters 137 and 140 of title 10, United States Code),  
15 except that space transportation services shall be consid-  
16 ered to be a commercial item for purposes of such laws  
17 and regulations (including section 2306a of title 10, Unit-  
18 ed States Code (relating to cost or pricing data), section  
19 2320 of such title (relating to rights in technical data)  
20 and section 2321 of such title (relating to validation of  
21 proprietary data restrictions)).

22 (b) SAFETY STANDARDS.—Nothing in this section  
23 shall be construed to prohibit the Federal Government  
24 from requiring compliance with applicable safety stand-  
25 ards.

1 **SEC. 303. LAUNCH SERVICES PURCHASE ACT OF 1990**  
2 **AMENDMENTS.**

3 The Launch Services Purchase Act of 1990 (42  
4 U.S.C. 2465b et seq.) is amended—

5 (1) by striking section 202;

6 (2) in section 203—

7 (A) by striking paragraphs (1) and (2);

8 and

9 (B) by redesignating paragraphs (3) and  
10 (4) as paragraphs (1) and (2), respectively;

11 (3) by striking sections 204 and 205; and

12 (4) in section 206—

13 (A) by striking “(a) COMMERCIAL PAY-  
14 LOADS ON THE SPACE SHUTTLE.—”; and

15 (B) by striking subsection (b).

16 **SEC. 304. USE OF EXCESS INTERCONTINENTAL BALLISTIC**  
17 **MISSILES.**

18 (a) IN GENERAL.—The Federal Government shall  
19 not—

20 (1) convert any missile described in subsection  
21 (c) to a space transportation vehicle configuration or  
22 otherwise use any such missile to place a payload in  
23 space; or

24 (2) transfer ownership of any such missile to  
25 another person,

26 except as provided in subsection (b).

1 (b) AUTHORIZED FEDERAL USES.—(1) A missile de-  
2 scribed in subsection (c) may be converted for use as a  
3 space transportation vehicle by the Federal Government  
4 if—

5 (A) except as provided in paragraph (2), at  
6 least 120 days before such conversion the agency  
7 seeking to use the missile as a space transportation  
8 vehicle transmits to the Committee on National Se-  
9 curity and the Committee on Science of the House  
10 of Representatives, and to the Committee on Armed  
11 Services and the Committee on Commerce, Science,  
12 and Transportation of the Senate, a report that con-  
13 tains—

14 (i) a certification that the use of such mis-  
15 sile—

16 (I) would result in significant cost  
17 savings to the Federal Government when  
18 compared to the cost of acquiring space  
19 transportation services from United States  
20 commercial providers; and

21 (II) meets all mission requirements of  
22 the agency, including performance, sched-  
23 ule, and risk requirements; and

24 (ii) comments obtained from United States  
25 commercial providers in response to prior public

1 notice published in the Commerce Business  
2 Daily;

3 (B) the use of such missile is consistent with  
4 international obligations of the United States; and

5 (C) the Secretary of Defense approves of such  
6 conversion.

7 (2) The requirement under paragraph (1)(A) that the  
8 report described in that subparagraph must be transmit-  
9 ted at least 120 days before conversion of the missile shall  
10 not apply if the Secretary of Defense determines that com-  
11 pliance with that requirement would be inconsistent with  
12 meeting immediate national security requirements.

13 (c) MISSILES REFERRED TO.—The missiles referred  
14 to in this section are missiles owned by the United States  
15 that were formerly used by the Department of Defense  
16 for national defense purposes as intercontinental ballistic  
17 missiles and that have been retired from service in compli-  
18 ance with international obligations of the United States.

Passed the House of Representatives September 17,  
1996.

Attest:

*Clerk.*